

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2006 of 1998

to

FIRST APPEAL No 2016 of 1998

Hon'ble MR.JUSTICE Y.B.BHATT and

MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

SPECIAL LAND ACQUISITION OFFICER

Versus

FATAJI BHULAJI DABHI

Appearance:

MR PG DESAI, GP in FA 2006 to 2010/98 for appellants

MR SP DAVE, AGP in FA 2011 to 2013/98 for appellants

MR LR POOJARI, AGP in FA 2014 to 2016/98 for appellants

MR GM AMIN for Respondent Nos. 1 & 2

CORAM : MR.JUSTICE Y.B.BHATT and

MR.JUSTICE R.P.DHOLAKIA

Date of decision: 21/07/98

COMMON ORAL JUDGEMENT (Per: Y.B.Bhatt,J.)

These are appeals filed on behalf of the State of Gujarat under Sec.54 of the Land Acquisition Act read with Sec.96, CPC, challenging the common judgment and awards passed by the Reference Court under Sec.18 of the said Act.

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#. We have heard learned counsel for the respective parties and have referred to such evidentiary material to which our attention has been drawn.

#. As a result of the hearing and discussion, we find that the Reference Court has relied substantially upon exh.13 which is an earlier award passed by the Reference Court under Sec.18 of the said Act. Under this award, the Reference Court had determined the market value of the acquired lands at Rs.15/- per sq.mtr., that is to say, Rs.1500/- per are. It also appears that the State had challenged this award by filing an appeal to this Court, which was dismissed. Exh.14 is a certified copy of the judgment of this Court in the relevant First Appeal No.3848 of 1995. Thus, the market value determined under the award under Sec.18 (at exh.13) stood confirmed by a judgment of this Court.

3.1 In this context, it is required to be noted and it is a common ground that exh.13 deals with acquisition of lands from the very same Village as in the instant case, and the acquisition was also for the very same purpose. The date of Sec.4 notification under exh.13 was 14th August, 1986 whereas in the instant case, the relevant notification is 16th October, 1987. Thus, due to this lapse of little over one year, the market value could possibly have risen to a small extent but certainly could not be less than the market value confirmed by this Court under exh.14.

#. In the premises aforesaid, learned counsel for the appellants was unable to sustain the appeal any further.

#. These appeals are, therefore, dismissed and the appellants are directed to deposit the amount of compensation under the impugned award in the Reference Court separately in each land reference case, latest by 30th of November, 1998.

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